

EXHIBIT “4”

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IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

CASE NO.: 04-CA-007746
DIVISION: 32
COMPLEX BUSINESS
LITIGATION COURT

FIREMAN'S FUND INSURANCE COMPANY, a
Foreign corporation a/s/o BASIC RESOURCES, INC.,
and GEORGE REED, INC., foreign corporations,

Plaintiff,

vs.

GENCOR INDUSTRIES, INC., a foreign corporation,

Defendant.

/

NOTICE OF WITHDRAWAL OF CLAIMS

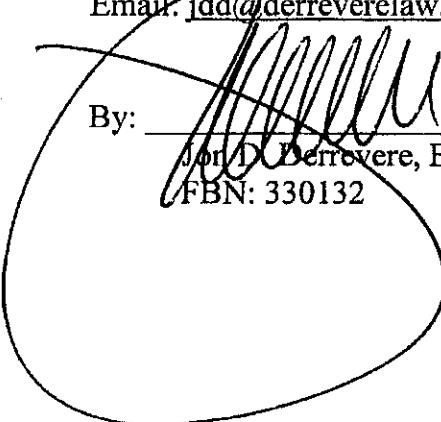
COMES NOW the Plaintiff, FIREMAN'S FUND INSURANCE COMPANY a/s/o BASIC RESOURCES, INC. and GEORGE REED, INC. ("FFIC") by and through its undersigned attorneys and hereby withdraws its claims for breach of implied warranty of merchantability set forth in Count II of Plaintiff's Complaint, breach of express warranty as set forth in Count III of Plaintiff's Complaint, and strict liability as set forth in Count IV of Plaintiff's Complaint. FFIC intends to proceed at trial on Count I for breach of contract and Count V for negligence.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile and U.S. Mail to: Patrick J. Murphy, Esquire, Murphy & Neale,

P.A., 550 Fairway Drive, Suite 203, Deerfield Beach, Florida 33441 this 3rd day
of January 2007.

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By: 

Jon D. Derrevere, Esquire
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